

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Protest of Invitation For Bids Cancellation] 9917

FILE: B-193929

DATE: April 24, 1979

MATTER OF: ^{DLG 00089} Somers Construction Company, Inc.

DIGEST:

Contracting agency determination after bid opening that adequate funding is not available justifies canceling solicitation.

Somers Construction Company, Inc. (Somers), has protested the cancellation of invitation for bids (IFB) No. DACA31-79-B-0009, issued by the Department of the Army, Corps of Engineers, for a corrosion control facility at Dover Air Force Base, Delaware.

AGC
00305

Background

AGC 00124

The Army's contracting officer reports that, of the three bids received and opened on December 19, 1978, Somers submitted the low bid of \$10,451,266. Somers' low bid, however, was substantially in excess of both the Government estimate (\$8,139,100) and the funds authorized (\$8,481,000) for the work. Because of these facts, all bidders were informed that the IFB was being canceled and that the project would be re-designed and readvertised.

Somers takes issue with the validity of the Government estimate. Moreover, Somers insists that if Government funding is not increased for the project or if significant changes in the scope of the work are not made, the recompetition will also result in a cancellation of the future IFB. Finally, Somers suggests that the Army was remiss in failing to secure additional funds after bid opening to support an award to Somers.

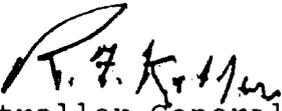
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Analysis

It is the apparent position of the Army that additional funding could not be obtained after bid opening for the work--a position which is not subject to review by our Office. See Iannuccillo Construction Co. and ACMAT Corporation, B-192954, December 13, 1978, 78-2 CPD 411.

As to Somers' suggestion that the Army may not be taking steps to avoid a repetition of these circumstances in a possible future IFB, we find no basis in the present record to question the Army's stated position that the "project is being redesigned in an attempt to insure that responsive, competitive bids within the funds available are received upon resolicitation."

Protest denied.


Deputy Comptroller General
of the United States